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**Ranking Member Michael Turner
Opening Statement**

“The Presidential Records Act”

Thursday, March 1, 2007

2:00pm

Room 2154 Rayburn House Office Building

Thank you Mr. Chairman for holding today’s hearing. The Presidential Records Act, originally passed in 1978, set forth policies for Presidential records and how those records should be made available to the public. The Act gave custody of a former President’s records to the Archivist of the United States. It imposed upon the Archivist the duty to make such records available to the public as quickly and completely as possible under the law. Most importantly, however, it established that the official records of a former President belong to the American people.

The Act built in safeguards over the disclosure of presidential records, allowing former Presidents to restrict disclosure of certain confidential records for a period after they leave office. The Act also permanently shielded from public release records containing military and diplomatic secrets or other categories of information whose disclosure would not be in the national interest.

But it is important that we distinguish the Nation’s interest from a former President’s interest. And we do not want to expand the scope of

executive privilege to mean a President can simply withhold approval for release and postpone public disclosure of records indefinitely.

Clearly, educators, researchers, historians, and the public should have access to these documents under the direction and care of the Archivist. These records are a tremendous resource for all those who access them. As we have seen however, gaining this access can take years after a presidency has ended.

According to some commentators, Executive Order 13233, shifted the burdens and responsibilities established by the Act. We need to determine whether the balance between a President's constitutional privilege and the public's right to know has been tipped beyond Congress' intent.

I hope today's hearing will draw on and build upon the work this Committee has previously done, specifically the efforts of our colleague Mr. Burton in the 107th Congress. I am confident we can find a way to preserve and protect the constitutional prerogatives of Presidents while preserving the Act's intent of publicly disclosing presidential records as promptly and completely as possible.

I want to thank our witnesses for coming today and I look forward to hearing their testimony.